



COMMUNITY DEVELOPMENT DEPARTMENT

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Website Address: www.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

JULY 13, 2010

PRESENT: Mueller, Tanda, Escobar, Koepp-Baker, Liegl, Moniz

ABSENT: None

LATE: None

STAFF: Interim Community Development Director (ICDD) Piasecki, Planning Manager (PM) Rowe, Senior Planner (SP) Linder, and Development Services Technician (DST) Bassett

Chair Mueller called the meeting to order at 7:00 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

DECLARATION OF POSTING OF AGENDA

Development Services Technician Bassett certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Mueller opened the floor to public comment for matters not appearing on the agenda. Mueller announced that the Development Services Center now has detailed High Speed Rail Maps for review by the public. There is a High Speed Rail meeting coming up in San Jose in July. Also, County Parks is going through an acquisition study. There is a meeting on Wednesday in San Jose. As there was no one in attendance indicating a wish to address a matter for public comment, Mueller then closed the floor to public comment.

MINUTES:

June 8, 2010

COMMISSIONERS ESCOBAR AND KOEPP-BAKER MOTIONED TO APPROVE THE JUNE 8, 2010 MINUTES.

THE MOTION PASSED (6-0-0-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

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June 22, 2010

COMMISSIONERS ESCOBAR AND LIEGL MOTIONED TO APPROVE THE JUNE 22, 2010 MINUTES.

THE MOTION PASSED (5-0-1-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: MONIZ; ABSENT: NONE.

PUBLIC
HEARINGS:

1) GENERAL
PLAN
AMENDMENT,
GPA 09-02
/ZONING
AMENDMENT,
ZA-09-05: CITY
OF MH-HIGH-
DENSITY SINGLE
FAMILY
GENERAL PLAN
DESIGNATION
AND ZONING
DISTRICT:

A request to amend the General Plan Public Health and Safety element to add a goal and policy regarding outdoor air quality, and an amendment to the Land Use element and Title 18 of the Morgan Hill Municipal Code to create a Single Family High (5-11 Du/Ac) land use designation, a High-Density Single-Family (R-1 4,000) zoning district and amendments to Chapter 17.34 Standards for Residential and Private Streets, Chapter 18.04 Definitions, Chapter 18.50 Parking and Paving Standards, Chapter 18.55 Secondary Dwelling Units, Chapter 18.57 Exceptions and Chapter 18.78 Residential Development Control System of the Morgan Hill Municipal Code.

Linder presented her staff report.

GENERAL PLAN
AMENDMENT,
GPA-09-04/
ZONING
AMENDMENT,
ZAA- 04-21/
SUBDIVISION
AMENDMENT
SDA 09-05: E.
DUNNE AVE-
JASPER
PARK:

A request to amend the General Plan land use designation, precise development plan and amend a subdivision approval on an 8 acre area located on the south side of East Dunne Ave., 100 ft. west of the San Benancio Way intersection. The requested land use change is from Multi- Family Low to Single Family High, the requested amendment to zoning and subdivision is to allow for single family detached homes and minor modifications to the previously approved subdivision. (APN 817-11-038 & 817-11-017)

Applicant asked for a continuation in order to study the new R1-4,500 zoning designation.

GENERAL PLAN
AMENDMENT,
GPA-09-05: DEL
MONTE-
BLACKWELL:

A request to amend the General Plan land use designation on a 9.4 acre area located on the west side of Del Monte Ave., 130 ft. north of the intersection of Christine Lynn Dr. The request is to change the designation from Single-Family Medium to Single Family High. (APN 726-20-074, 764-20-075, 764-21-027, 764-21-026)

Applicant asked for a continuation.

GENERAL PLAN
AMENDMENT,
GPA-10-01:
WALNUT

A request to amend the General Plan land use designation on a 10 acre parcel located on the northwest corner of the intersection of Walnut Grove Dr. and San Pedro Ave. The request is to change the designation from Multi-Family Low to Single Family High. (APN 817-11-074)

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GROVE-UCP: Applicant asked for a continuation.

GENERAL PLAN AMENDMENT, GPA-10-02: E. CENTRAL-SHENG: A request to amend the General Plan land use designation on a 4.73 acre parcel located on the southwest corner of the intersection of East Central Ave. and Calle Mazatan. The request is to change the designation from Multi-Family Low to Single Family High. (APN 726-22-056)

Applicant asked for a continuation.

Discussion There is a correction to the resolution that deals with the zoning text amendments: Chap 18.78 should be added to the title block. Also, the statement shown under Item D of Chapter 18.08.020 of that same resolution should be shown under items E and F, as well.

Tanda: Regarding the environmental determination for a 1,000 foot setback, does that include industrial use on major arterials, or just the freeway? And is there a map showing the industrial locations where this provision would be effective?

Linder: It could include both because it doesn't limit it to freeway use, but right now there haven't been any studies done involving levels of particulate matter and we don't have those volumes. We would need to take this policy into consideration when we start looking at future development areas.

Tanda: What is a sensitive receptor?

Linder: That would be a land use that includes a senior care facility, or a childcare facility, or an elementary or nursery school.

Moniz: So a project that is within 1,000 feet of the freeway or is a sensitive receptor site that could not mitigate would have to do an EIR?

Linder: Yes, those standards go into effect January 2011.

Liegl: On page 6, definitions 1 and 2, are there standards to define the size for an emergency shelter other than that it be large because those large facilities are typically the ones to fail first?

Linder: No. That might be something appropriate under Health and Safety. I don't know if that already exists. That could be looked at in the comprehensive update of our general plan.

Tanda: Under the proposed definition of density, it seems there will be fewer units per gross acre.

Linder: It would actually mean the same amount of units or more. By subtracting out the parks, streets, etc. it increases the density on the developable area, so those densities could be fulfilled which are required by the General Plan.

Moniz: On Exhibit A of Sec 17.34.060 (Private Streets), why couldn't a 24 foot minimum be cut to 20 feet?

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Linder: The current parking standards call for a 25 foot drive aisle. That has been identified as the minimum safe area to allow for a car to back out and for two-way traffic. 20 feet only allows one-way. If it is just one-way, we could look at a lesser standard because we do allow 18 feet for a one-way drive aisle.

Koepp-Baker: If we continue these items, what is the consequence?

Rowe: It pushes out completion of this Work Plan item from August 19 to August 25.

Mueller opened the floor to public hearing.

John Telfer appeared on behalf of UCP (three out of four of the applicants) and stated that some of the consultants are running into "real life issues" due to the change in the standards. They are asking for more time to be able to address the issues.

Mueller: Are there specific issues?

Telfer: The Floor Area Ratio (FAR) is one. The new air quality resources setback is another.

Dick Oliver appeared and stated that he served on the subcommittee that came up with the R1-4,500 standard, so he does agree with staff's recommendation but has the following questions.

1. Will allocations for units in the High Density Single Family (4,500 s.f. lots) count as single family homes in the Measure C restriction that at least 1/3 of allocations each year be single family? Or would they be considered R-2?
2. Can existing R-1 projects use the 4,500 s.f. lot to replace their 10% R-2 (and BMR) requirements, where in the past they have already received 15 automatic allocations per year under the "On-going Projects" category? It is assumed they would have to amend the PD or Site Development Plan in order to do so.
3. Can existing R-1 projects (e.g. Mission Ranch and Alicante) use the 4,500 s.f. lot to replace their 10% R-2 (and BMR) requirements, where in the future they will receive 15 automatic allocations per year under the "On-going Projects" category? Again, it is assumed they would have to amend the PD or Site Development Plan in order to do so.
4. How can a project under this High Density Single Family (4,500 s.f. lot) ever obtain a "density bonus" which State law says should be granted when certain BMR homes are included?
5. The same questions that UCP has regarding the FAR.

Mueller closed the floor to public comment.

COMMISSIONERS ESCOBAR AND TANDA MOTIONED TO OPEN AND CONTINUE THE GENERAL PLAN AMENDMENT AND ZONING AMENDMENT FOR CITY OF MORGAN HILL-SMALL LOT SFD.

**THE MOTION PASSED (6-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONERS ESCOBAR AND TANDA MOTIONED TO OPEN AND CONTINUE THE GENERAL PLAN AMENDMENT, ZONING AMENDMENT AND SUBDIVISION AMENDMENT FOR E. DUNNE AVE-JASPER PARK (UCP).

**THE MOTION PASSED (6-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONERS ESCOBAR AND TANDA MOTIONED TO OPEN AND CONTINUE THE GENERAL PLAN AMENDMENT FOR DEL MONTE-BLACKWELL.

**THE MOTION PASSED (6-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONERS ESCOBAR AND TANDA MOTIONED TO OPEN AND CONTINUE THE GENERAL PLAN AMENDMENT FOR WALNUT GROVE-UCP.

**THE MOTION PASSED (6-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONERS ESCOBAR AND TANDA MOTIONED TO OPEN AND CONTINUE THE GENERAL PLAN AMENDMENT FOR E. CENTRAL-SHENG (UCP).

**THE MOTION PASSED (6-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**2) CONDITIONAL
USE PERMIT, UP-
10-04: THIRD ST. –
CITY OF
MORGAN HILL:**

A request for approval of a conditional use permit to construct a nine-space interim public parking lot at 35 East Third Street. The subject site is 0.12 acres in size and is located in the Central Business District/Ground Floor Overlay Zoning District. (APN 726-14-007)

Rowe presented his staff report.

COMMISSIONERS ESCOBAR AND MONIZ MOTIONED TO CONTINUE AGENDA ITEM NO. 2 TO JULY 27.

**THE MOTION PASSED (6-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

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**OTHER
BUSINESS:**

**3)PLANNING
COMMISSION
WORK PLAN
FOR FY 2010-11:**

Review and comment/recommend for submittal to the City Manager and City Council as part of the budget process.

Rowe presented his staff report.

Tanda: Can we get a report on the Code Enforcement “Blight Busters” program and any progress they’ve made?

Rowe: Sure.

**COMMISSIONERS CONCURRED WITH STAFF’S WORK PLAN AND
RECOMMENDED THAT IT BE FORWARDED TO COUNCIL**

**ANNOUNCEMENTS/
COMMISSIONER
IDENTIFIED ISSUES**

None.

**CITY COUNCIL
REPORTS**

None.

ADJOURNMENT

Noting that there was no further business for the Planning Commission at this meeting, Chair Mueller adjourned the meeting at 8:00p.m.

MINUTES RECORDED AND TRANSCRIBED BY:

ELIZABETH BASSETT, Development Services Technician